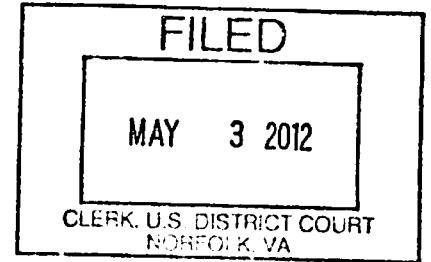


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA FOR
THE USE AND BENEFIT OF PROBUILD
COMPANY, LLC, ET AL.,

Plaintiffs,

v.

ACTION NO. 2:11cv451

EDMOND SCARBOROUGH, ET AL.,

Defendants.

ORDER


This matter comes before the court on plaintiff ProBuild Company, LLC's ("ProBuild") Motion for Default Judgment Against Defendants Tommy Abbott & Associates, Inc. and Wendel Hartman, filed on January 17, 2012. ECF No. 17. The matter was referred to a United States Magistrate Judge by Order of February 7, 2012, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion. ECF No. 19.

The United States Magistrate Judge's Report and Recommendation was filed on April 11, 2012. ECF No. 30. The magistrate judge recommended granting plaintiff's Motion for Default Judgment against defendants Tommy Abbott & Associates, Inc. and Wendel Hartman.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed April 11, 2012. Accordingly, ProBuild's Motion for Default Judgment against defendants Tommy Abbott & Associates, Inc. and Wendel Hartman is **GRANTED**; judgment shall be **ENTERED** in favor of plaintiff ProBuild, and against defendants, Tommy Abbott & Associates, Inc. and Wendel Hartman, jointly and severally, for the principal amount of \$46,661.98; judgment shall be **ENTERED** in favor of plaintiff ProBuild, and against defendants, Tommy Abbott & Associates, Inc. and Wendel Hartman, jointly and severally, for interest of 1.50% per month on the amount of \$46,661.98, compounded monthly, from April 30, 2011, until entry of judgment in this matter; and, ProBuild is **DIRECTED** to file a motion requesting reasonable attorney's fees pursuant to Rule 54(d) within ninety (90) days of entry of judgment. ProBuild's motion shall include a breakdown of hours billed and other information relevant to the factors set forth in Barber v. Kimbrell's Inc., 577 F.2d 216 (4th Cir. 1978), and other applicable law set forth in the Magistrate Judge's Report and Recommendation filed April 11, 2012.

The Clerk shall enter judgment for the plaintiff, ProBuild Company, LLC, in accordance with this Order. The Clerk shall also forward a copy of this Order to all parties of record.

It is so ORDERED.

/s/
Rebecca Beach Smith
Chief
United States District Judge 

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May 2, 2012